IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24139 of 2004

Between:

M/s.Sri Lakshmi Electricals, 1171, MIG Phase-I, BHEL,
Medak District rep., by its Proprietor M.Srinivas, s/o M.Krishna Murthy,

..... PETITIONER

AND

1 The Divisional Engineer (Electrical) Operation, APCPDCL, Medak District.
2 The Assistant Divisional Engineer, Operation, APCPDCL, Gummadidala, Medak District.
3 The Superintending Engineer, Operation Circle, APCPDCL, Medak District.
4 Reddy Electricals & Contractor Works, rep., by its Proprietor N.Malla Reddy, s/o Indra Reddy, 6-6-18, Ganji Maidan, Sanga Reddy, Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of mandamus declaring the action of the respondent's No.1 to No.3 in calling the quotations from the respondent No.4 and the recommended the name of the respondent No.4 by the respondent No.2 as being illegal, arbitrary and unconstitutional and violative of the petitioner's fundamental rights and further declare the action of the respondents in inviting tenders clandestinely for the purpose of awarding the contract of manning and maintenance of sub-station at Jinnaram without issuing a public notice.

Counsel for the Petitioner: MR.SRINIVASA RAO PACHWA

Counsel for Respondent Nos.1 to 3: SMT.M.VINOBHA DEVI

The Court at the stage of admission made the following ORDER:

The petitioner was awarded the contract for maintenance of the sub-station in the month of May 2004. Thereafter, the contract was being renewed. Respondents 1 to 3 invited tenders for awarding the contract for the same work. The petitioner challenges the same on several grounds.

Heard learned counsel for the petitioner and learned standing counsel for A.P.S.E.B.

It is not in dispute that the contract awarded to the petitioner was from month to month and the period had expired. It is for respondents 1 to 3 to take action for award of the contract from time to time. No exception can be taken for the action of respondents 1 to 3 in inviting tenders. The petitioner cannot be said to have suffered any grievance on account of such action. If he is so advised, he too can participate in such tenders.

Hence, the writ petition is disposed of directing that in case the work of the petitioner is found satisfactory, respondents 1 to 3 shall continue the petitioner till the finalisation of the contract in pursuance of the tenders. No order as to costs.

_____

27-12-2004

kdl

To

1 The Divisional Engineer (Electrical) Operation, APCPDCL, Medak District.
2 The Assistant Divisional Engineer, Operation, APCPDCL, Gummadidala, Medak District.
3 The Superintending Engineer, Operation Circle, APCPDCL, Medak District.
4 Two C.D. Copies.